

THIRD DAY

(Continued)

(Wednesday, February 22, 1950)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by Senator Moffett.

House Concurrent Resolution 15

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 15, Granting Charles Telford permission to sue the State.

The resolution was read.

Senator Jones offered the following committee amendment to the resolution:

Amend H. C. R. No. 15 by striking out the following words beginning in Line 9, Page 3, and ending in Line 12, Page 3:

"except the defense of non-liability on the part of a sovereign to be held liable for the torts of its officers, agents and employees, and the State of Texas through its Legislature hereby waives such right".

The committee amendment was adopted.

The resolution as amended was then adopted.

House Concurrent Resolution 11

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 11, Granting Paul Pennell of Grayson County, Texas, permission to sue the State of Texas and the Texas Highway Department.

The resolution was read and was adopted.

Senate Concurrent Resolution 13

Senator Bell, by unanimous consent, offered the following resolution:

By Senators Bell, Vick, Harris, Morris, Shofner, Tynan, Kelly of Tarrant, Ashley, Proffer, Jones, Corbin, Kelley of Hidalgo, Phillips, Martin,

Hardeman, McDonald, Nokes, Lock, Cousins, Bullock, Lane, Hudson, Aikin, Moffett and Strauss: •

S. C. R. No. 13, Relating to Texas' ownership of lands and resources beneath navigable waters and tidewaters within the original boundaries of the Republic of Texas.

Whereas, On March 2, 1836, the people of Texas declared their independence from Mexico, and thereafter by force of arms firmly established their independence and exclusive sovereignty over the land and territory included within the boundaries of the Republic of Texas, which were fixed by the First Texas Congress on December 19, 1836, as follows:

"Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the boundary line as defined in the treaty between the United States and Spain, to the beginning." and,

Whereas, With full knowledge of such boundaries, the Republic of Texas was duly recognized as an independent nation by the United States, France, England and other major nations of the world; and,

Whereas, In accordance with that portion of the Spanish and Mexican law adopted by Texas, the title to all of the mines and minerals within the above described territory, as well as to all lands therein not theretofore owned by other persons, was vested in the Republic of Texas; and,

Whereas, The Republic of Texas offered all of its lands, mines, minerals, and territory to the United States by treaty in 1844 if the United States would assume the debts of the Republic after annexation, but said treaty was rejected by the United States Senate and a counter-proposal was made by the United States Congress whereby Texas might become a State in the Union if it kept its property and paid its own debts; and,

Whereas, This proposal for annexation was accepted by the Texas Congress, and the Republic of Texas entered the Union under the solemn agreement with the United States whereby Texas transferred no min-

erals or lands beneath navigable waters to the Nation, but retained title to such properties in the State in trust for the people of Texas; and,

Whereas, For over one hundred years Texas has had peaceable possession and use of the lands and minerals beneath navigable waters within its original boundaries, with acknowledgment of ownership from all Courts and executive agencies of the Federal Government, and the revenue from such property has been dedicated exclusively to the Texas Permanent School Fund and now constitutes an irreplaceable source of funds for public education in this State; and,

Whereas, Texas' management of the mineral resources in these lands has been far superior to Federal management of similar property, State mineral leases bringing an average of 800% higher bonuses and 100% higher rentals than similar Federal leases; and such management has never interfered with, but has actually aided the exercise of Federal powers of national defense and navigation; and,

Whereas, The United States Congress has always recognized and never denied Texas' title to this property, but officers of the executive branch of the Federal Government have recently asserted Federal claims thereto and have sued Texas for the property and revenues in the Supreme Court of the United States, an action which would violate the annexation agreement, harass the State with long delay and expense of litigation, and automatically extend time for development of present mineral leases to the injury of both the public schools of Texas and the national security; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that Speaker Sam Rayburn, Senators Tom Connally and Lyndon B. Johnson, and all members of the House of Representatives from Texas, are extended appreciation for their efforts in the past to preserve the rights of this State and the Permanent School Fund in this controversy, and that each of them be respectfully urged to give their personal leadership in obtaining favorable reports in Senate and House Committees and favorable action by the Congress on pending State ownership bills; and, be it further

Resolved, That the State of Texas respectfully requests the President of the United States and the Attorney General of the United States to recognize the rights of Texas under the Annexation Agreement and to discontinue the discrimination now being practiced against Texas and two other coastal States while 25 other coastal and Great Lakes States are being allowed to have full use and possession of the land, resources, and revenues within their marginal sea belts without suits having been filed against them; and that no suits should be prosecuted further against Texas or any of the 27 other coastal and Great Lakes States until Congress has passed upon the controversy; and that the Congress of the United States be requested to enact pending legislation which would recognize and confirm State ownership of all such lands within the boundaries of the respective States; and be it, further

Resolved, That enrolled copies of this resolution be mailed to the President of the United States, the Attorney General of the United States, and each Senator and Representative from Texas in the United States Congress; and that copies be printed and mailed to all other Members of Congress, and the Governors and Attorneys General of each of the several States.

The resolution was read.

On motion of Senator Bell and by unanimous consent, the resolution was considered immediately and was adopted.

At Ease

On motion of Senator Aikin, the Senate at 10:45 o'clock a.m., agreed to stand at ease to 11:00 o'clock a.m. today.

The Presiding Officer called the Senate to order at 11:00 o'clock a.m.

Senate Concurrent Resolution 14

Senator Aikin, by unanimous consent, offered the following resolution:

S. C. R. No. 14, Authorizing the Enrolling Clerk to make certain corrections to H. B. No. 3.

Whereas, Amendment No. 8 to House Bill 3 was directed to Article

XVIII instead of to Article XVII; and

Whereas, The page and line references in such amendments were correct; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the House be authorized and directed to insert Amendment No. 8 in Article XVIII of House Bill 3.

The resolution was read.

On motion of Senator Aikin and

by unanimous consent, the resolution was considered immediately and was adopted.

Recess

On motion of Senator Carney, the Senate at 11:25 o'clock a.m. took recess until 9:30 o'clock a.m. tomorrow.

Record of Vote

Senator Corbin asked to be recorded as voting "nay" on the motion to recess.

In Memory of

Gilbert (Buck) Taylor

(Senate Resolution 45)

Senator Jones offered the following resolution:

Whereas, The death of Gilbert (Buck) Taylor, a native of Fannin County, Texas, on August 9, 1949, has taken from us a well known and well beloved journalist and a loyal, fearless, and patriotic citizen; and

Whereas, Mr. Taylor gained fame as the editor and publisher of the unique and humorous periodical called "The Middlebuster"; and

Whereas, Mr. Taylor was a champion of the American way of life and a fearless exponent of the true principles of Democracy; now, therefore, be it

Resolved, That the Senate of Texas expresses its regret at the passing of this fine and patriotic Texas citizen; that this resolution be spread upon a full page in the Senate Journal; and that when the Senate adjourns today, it do so in honor of Gilbert (Buck) Taylor; and that copies of this resolution be sent to members of his family.

The resolution was read and was adopted.